

STATE BUILDING CODE INTERPRETATION NO. I-13-05

November 28, 2005

The following is offered in response to your letter to me dated October 26, 2005 and received in our office on November 4, 2005. In your letter you seek interpretation of the local building official's responsibility regarding storm water and sanitary drainage.

Question 1: For a building other than a detached one- or two-family dwelling or a townhouse, is the building official required to issue permits and conduct inspections of site storm water drainage systems?

Answer 1: Yes. Section 106.1 of the 1997 International Plumbing Code (IPC) portion of the 1999 State Building Code requires a permit for the installation of any plumbing system that is regulated by the code. The definition of Plumbing System, found in Chapter Two, includes storm sewers. Section 1101.2 of the referenced code requires all roofs, paved areas, yards, courts and courtyards to drain into a storm sewer system, a combined sewer system or to an approved place of disposal. Since the storm water drainage system is regulated by the code, a permit is required as are periodic inspections to ensure compliance with the code (also see Question and Answer 4).

Question 2: For a detached one- or two-family dwelling or a townhouse, is the building official required to issue permits and conduct inspections of site storm water drainage systems?

Answer 2: The requirements of Section R401.3 of the 2003 International Residential Code (IRC) portion of the 1999 State Building Code cover site drainage for one- and two-family detached dwellings and townhouses. This section requires that lots be graded to drain surface water away from foundation walls and that surface drainage be diverted to a storm sewer conveyance or other approved point of collection so as not to create a hazard. A typical suburban or rural dwelling site will probably contain sufficient undeveloped land to allow sheet flow dispersal of water collected on hard surfaces (ie: roofs, patios, driveways and walks). A more urban setting may require collection of such

runoff into a storm drain in the public way. Either way, it is unlikely that the amount of work involved will result in a separate permit, but it is the building official's responsibility to determine that collected water does not create a hazard prior to issuance of the Certificate of Occupancy.

Question 3: In a residential development, do the requirements for permits and inspections differ depending on the road that serves the dwelling or on ownership of the off-site drainage system (ie: private or public)?

Answer 3: No. As stated in Answer 2, the IRC's concern regarding drainage is centered on the land on which the dwelling is erected, not on the roads or off-site drainage systems that serve the dwelling.

Question 4: Are separate permits required for on-site sub-surface storm water drainage systems?

Answer 4: No. The various documents that make up the State Building Code all require a permit prior to starting any work that is regulated by the code, but none of the documents require separate permits for any individual phase. The code requires that a site plan be submitted with the permit application. Required storm water drainage systems should be shown on the site plan and the work associated with installation of the storm water drainage system can be included in either the general building permit or in the plumbing permit, in the event that a separate plumbing permit is issued.

Question 5: When a permit is required for installation of a sub-surface storm water drainage system, when is it required that the system function as designed: during construction; or when completed?

Answer 5: The code has no specific language regarding expectations of a drainage system during construction, but it would certainly not expect a fire sprinkler system to operate prior to completion, nor would it expect a fire separation assembly that was incomplete to resist the passage of smoke and fire. It then follows that the code would not anticipate a partially completed drainage system to function as designed. The requirements of the code are expected to be met prior to issuance of a Certificate of Occupancy.

Question 6a: Section 701.2 of the IPC requires buildings having plumbing fixtures to be connected to a public sewer, where available, or to an approved private sewage disposal system. If the building is served with private roads, where does the public sewer system begin – at the private road or at the point where the private road meets the public road?

Answer 6a: Section 202 of the referenced code defines public sewer as “A common sewer directly controlled by public authority.” The determination of public or private sewer has nothing to do with ownership of the road, but rather control over the sewer itself.

Question 6b: If the sewer in a private road is determined to not be a public sewer, what is it, and is the local building official required to regulate its installation?

Answer 6b: If the public authority does not control the sewer line in a private road it is, by definition, the building sewer, which is regulated by Section 703 of the IPC and under the jurisdiction of the local building department.

Question 6c: Does the local building official have jurisdiction over or responsibility for a public sewer.

Answer 6c: No. Responsibility for and jurisdiction over a public sewer rests with the public authority in control of such sewer.